



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

MAR - 9 2018

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL 7015 1520 0002 4890 2255
RETURN RECEIPT REQUESTED

Mr. Dennis Hatfield
Regulatory Manager
Columbus Chemical Industries, Inc.
N4335 Temkin Road
Columbus, Wisconsin 53925

Re: Expedited Settlement Agreement
Columbus Chemical Industries, Columbus, Wisconsin
Docket No: RCRA-05-2018-0007

Dear Mr. Hatfield:

Enclosed please find an original signed fully-executed Expedited Settlement Agreement (ESA) in resolution of the above case. The original was filed on March 9, 2018, with the Regional Hearing Clerk.

Please pay the civil penalty in the amount of \$2,000 in the manner prescribed in paragraph 8 of the ESA, and reference all checks with the docket number RCRA-05-2018-0007. Your payment is due within 30 calendar days of the effective date of the ESA.

The ESA is binding on the U.S. Environmental Protection Agency and Columbus Chemical Industries. EPA will take no further action for the violations cited in the ESA. Thank you for your cooperation in resolving this matter.

Sincerely,

A handwritten signature in cursive script that reads "Gary J. Victorine".

Gary J. Victorine, Chief
RCRA Branch

Enclosures

cc: Michael Ellenbecker, WDNR (michael.ellenbecker@wisconsin.gov)
Nicole Wood-Chi, EPA, Office of Regional Counsel (wood.nicole@epa.gov)



UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 5

IN THE MATTER OF:)
)
)
COLUMBUS CHEMICAL INDUSTRIES)
EPA ID. No. WID 046 841458)
Respondent.)
)
_____)

Docket No. RCRA-05-2018-0007

**EXPEDITED SETTLEMENT
AGREEMENT AND
FINAL ORDER**

EXPEDITED SETTLEMENT AGREEMENT

1. The U.S. Environmental Protection Agency (“EPA”) alleges that Columbus Chemical Industries (“Respondent”) owns and operates a facility located at N4335 Temkin Road, Columbus, Wisconsin (“Facility”) that is subject to Resource Conservation and Recovery Act, 42 U.S.C. §6901 *et seq.* (“RCRA”), EPA’s regulations implementing RCRA (40 C.F.R. parts 260-273), and the EPA approved and authorized Wisconsin hazardous waste management program for Large Quantity Generators (chapter NR 660-679, Wis. Admin. Code) because CCI generates over 1000kg (2205 lbs) of non-acute hazardous waste in a calendar month or over 1kg of acute hazardous waste in a calendar month.
2. Under Wis. Admin. Code NR §§ 662.034(1)-(3) and 665, Respondent may avoid the need for a hazardous waste license by meeting certain license exemption requirements including, but not limited to, maintaining a contingency plan and training personnel in accordance with certain preparedness, prevention, and emergency procedures for large quantity generators.
3. EPA alleges that at the time of its March 21 and August 8, 2017 inspections Respondent failed to meet the requirements set forth at Wis. Admin. Code § NR 662.034(1)(d) by not maintaining a hazardous waste contingency plan or providing employees initial and annual training related to hazardous waste management procedures and contingency plan implementation in accordance with Wis. Admin. Code § 665.0016 and 665.0052.
4. EPA and Respondent agree that settlement of this matter for a penalty of two thousand dollars (\$2,000) is in the public interest.
5. EPA is authorized to enter into this Expedited Settlement Agreement (“Agreement”) pursuant to Section 3008 of RCRA and 40 C.F.R. § 22.13(b).
6. In signing this Agreement, Respondent: (1) admits that Respondent is subject to Wisconsin Hazardous Waste Management regulations set forth in 40 C.F.R. 270.1 (c) and chapter NR 662 of the Wis. Admin. Code; (2) admits that EPA has jurisdiction over Respondent and Respondent’s conduct as alleged herein, (3) neither admits nor denies the

factual allegations contained herein; (4) consents to the assessment of this penalty; and (5) waives any right to contest the allegations contained herein.

7. By its signature below Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that: (1) the alleged violations have been corrected, and (2) that Respondent will make pay the civil penalty in accordance with this Agreement.

8. Within 30 days after the effective date of this Agreement, Respondent shall pay a civil penalty of \$2,000 for the RCRA violations identified in this Agreement. There are four options for paying this civil penalty:

a. By sending a cashier's or certified check, payable to "Treasurer, United States of America" to:

i. For checks sent by regular U.S. Postal Service mail:

U.S. EPA
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, Missouri 63197-9000

ii. For checks sent by express mail:

U.S. Bank
Government Lockbox 979077 U.S. EPA Fines and Penalties
1005 Convention Plaza
Mail Station SL-MO-C2-GL
St. Louis, Missouri 63101

The check must state the case title ("*In the Matter of: Columbus Chemical Industries*") and the docket number of this Agreement.

b. Or by electronic funds transfer, payable to "Treasurer, United States of America," and sent to:

Federal Reserve Bank of New York
ABA No. 021030004
Account No. 68010727
SWIFT address FRNYUS33
33 Liberty Street
New York, NY 10045
Field Tag 4200 of the Fedwire message is
"D68010727 Environmental Protection Agency"

In the comment or description field of the electronic funds transfer, state "*In the Matter of: Columbus Chemical Industries*" and the docket number of this Agreement.

- c. Or by ACH electronic funds transfer, payable to "Treasurer, United States of America," and sent to:

US Treasury REX / Cashlink ACH Receiver
ABA: 051036706
Account Number: 310006, Environmental Protection Agency
CTX Format Transaction Code 22 – checking

- d. Or by paying online and following the instructions found here:

WWW.PAY.GOV

Use the Search Public Forms option and enter 'sfo 1.1' in the search field.
Open form and complete required fields.

9. Respondent must send a notice of payment that states Respondent's name, complete address, and the case docket number (along with a photocopy of the check, if applicable) to EPA at the following addresses, when it pays the penalty:

Regional Hearing Clerk
U.S. EPA, Region 5
77 West Jackson Boulevard (E-19J)
Chicago, IL 60604

Brian Kennedy
U.S. EPA, Region 5
77 West Jackson Boulevard (LR-17J)
Chicago, IL 60604

Nicole Wood-Chi
U.S. EPA, Region 5
77 West Jackson Boulevard (C-14J)
Chicago, IL 60604

10. The civil penalty is not deductible for federal tax purposes.
11. U.S. EPA may bring an action to collect any unpaid portion of the penalty with interest, handling charges, nonpayment penalties, and the United States enforcement expenses for the collection action. The validity, amount and appropriateness of the civil penalty are not reviewable in a collection action.
12. Pursuant to 31 C.F.R. § 901.9, Respondent must pay the following on any amount overdue under this Agreement. Interest will accrue on any amount overdue at a rate established pursuant to 31 U.S.C. § 3717. Respondent must pay a \$15 handling charge

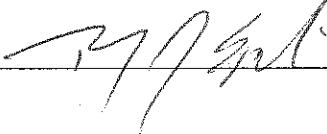
each month that any portion of the penalty is more than 30 days past due. In addition, Respondent must pay a 6 percent per year penalty on any principal amount 90 days past due.

13. Payment of the civil penalty shall constitute full settlement of the civil claim alleged herein.
14. EPA reserves all of its rights to take enforcement action for any other past, present, or future violations by Respondent of RCRA, any other federal statute or regulation, or this Agreement.
15. Upon signing and returning this Agreement to EPA, Respondent waives the opportunity for a hearing or appeal pursuant to Section 3008(b) of RCRA.
16. Each party shall bear its own costs and fees, if any.
17. This Agreement is binding on the parties signing below, and in accordance with 40 C.F.R. 22.31(b), is effective upon filing.

IT IS SO AGREED,

Name (print): Ronald J. EPPLI

Title (print): President

Signature: 

Date 16 FEBRUARY 2018

APPROVED BY EPA:

Michael D. Harris

Michael D. Harris
Acting Division Director
Land and Chemicals Division
U.S. Environmental Protection Agency
Region 5

Date 3/01/2018

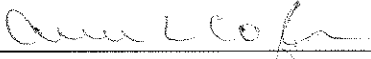
In the Matter of:
Columbus Chemical Industries, Inc.
Docket Number: RCRA-05-2018-0007

FINAL ORDER

This Expedited Settlement Agreement and Final Order, as agreed to by the parties, shall become effective immediately upon filing with the Regional Hearing Clerk. This Expedited Settlement Agreement and Final Order concludes this proceeding pursuant to 40 C.F.R. §§ 22.18 and 22.31.

IT IS SO ORDERED:

March 6, 2018
Date



Ann Coyle
Regional Judicial Officer
United States Environmental Protection Agency
Region 5

In the matter of: Columbus Chemical Industries
Docket Number: RCRA-05-2018-0007

CERTIFICATE OF SERVICE

I certify that I served a true and correct copy of the foregoing **Expedited Settlement Agreement and Final Order**, docket number RCRA-05-2018-0007, which was filed on March 9, 2018, in the following manner to the following addressees:

Copy by Certified Mail to
Respondent:

Mr. Dennis Hatfield
Regulatory Manager
Columbus Chemical Industries
N4335 Temkin Road
Columbus, Wisconsin 53925

Copy by E-mail to
Attorney for Complainant:

Nicole Wood-Chi
wood.nicole@epa.gov

Copy by E-mail to
Regional Judicial Officer:

Ann Coyle
coyle.ann@epa.gov

Dated:

March 9, 2018



LaDawn Whitehead
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 5

CERTIFIED MAIL RECEIPT NUMBER(S): 7015 1520 0002 4890 2255